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FISCAL IMPACT STATEMENT

LS 6406

BILL NUMBER: HB 1044

NOTE PREPARED: Dec 8, 2010

BILL AMENDED:

SUBJECT: Motor Vehicle Occupant Restraint Systems.

FIRST AUTHOR: Rep. Torr

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits stopping, inspecting, or detaining a passenger motor vehicle solely to determine compliance with the law concerning safety belt use by front seat occupants who are at least 16 years of age.

It authorizes a police officer to stop, inspect, or detain a motor vehicle solely to determine compliance with the law concerning the use of child passenger restraint systems when the police officer has probable cause to believe that an infraction is being committed under that law.

It also repeals: (1) provisions specifying that the failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence; and (2) a prohibition against the admission of evidence of the failure to comply with the law concerning safety belt use in civil actions to mitigate damages.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary:* The number of citations for failing to use a seat belt could decrease and result in a reduction of fine revenue to the state General Fund of \$1.85 M. Additionally, court fees could be reduced if fewer cases are filed. At this time, there is no information to indicate that federal grant funds would be affected.

Additional Details:

State General Fund Revenues: Under current law it is a Class D infraction for an occupant of a motor vehicle that is equipped with a safety belt to not have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion (IC 9-19-10-2). Also under current law, law enforcement officers may stop a car solely to determine if a driver is complying with this law, but a law enforcement agency may not use a safety belt checkpoint to detect usage and issue citations. [Being able to stop a vehicle to determine if seat belts are being used is known as a primary seat belt law, and not being able to stop solely for seat belt enforcement is known as a secondary seat belt law.] The bill would not change the penalty for driving without a seat belt, a Class D infraction. However, law enforcement officers would not be permitted to pull a driver over solely to determine whether the vehicle occupants are wearing seat belts.

The maximum judgement for a Class D infraction is \$25, all of which is deposited in the state General Fund. If law enforcement agencies may no longer stop a car solely to determine whether the passengers in the car are wearing a seat belt, it is likely that fewer citations will be written and revenue from infraction judgements will decline. The percentage of citations that occur because a law enforcement officer stopped a car simply because of the primary seat belt law is not known. However, because the number of citations issued has increased substantially since the primary seat belt law was enacted makes it likely that the majority of seat belt citations have occurred because of this law.

Estimating Fine Revenue Loss: The primary seat belt law was passed in 1998, and a Supreme Court decision upholding the statute was issued in 1999. In 2007, the number of people subject to this infraction increased with all vehicle occupants in all vehicles equipped with seat belts being required to use the seat belts. Applying the percentage difference in the number of citations issued in 1999 and before (when Indiana was a secondary seat belt law state) and the number issued between 2000 and 2006 (after becoming a primary enforcement state) to the average annual number of citations currently issued, there would be, on average, 74,309 fewer guilty findings for citations related to seat belt violations per year. If each offender is fined at the maximum amount of \$25 for a Class D infraction, the potential revenue loss to the state General Fund from fewer infractions would be \$1.85 M.

Citations Issued for Seat Belt Violations (IC 9-19-10-2)		
Year	Number Found or Pleading Guilty	Fine Revenue (\$25/fine)
1997	49,370	\$1,234,250
1998	57,636	\$1,440,900
1999	42,027	\$1,050,675
1997-1999 Average	49,678	\$1,241,942
2000	79,658	\$1,991,450
2001	130,108	\$3,252,700
2002	128,589	\$3,214,725
2003	139,505	\$3,487,625
2004	87,026	\$2,175,650
2005	92,033	\$2,300,825
2006	98,124	\$2,453,100
2000-2006 Average	107,863	\$2,696,582
2007	116,078	\$2,901,950
2008	146,513	\$3,662,825
2009	150,240	\$3,756,000
2007-2009 Average	137,610	\$3,440,258

Additionally, if fewer court actions are filed, the court fee of \$70 would not be assessed, 70% of which is deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Federal Grants: There are no data available at this time to indicate whether federal grant funds would be affected by changes to the primary seat belt enforcement statute.

Explanation of Local Expenditures:

Explanation of Local Revenues: If fewer court actions are filed, local governments would not receive revenue from the following sources. The county general fund would not receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may not receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would not be deposited in the county general fund and 25% would not be deposited in the city or town general fund. Additional fees may not be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

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